

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE:

Garden Oaks Maintenance Org., Inc., § CASE NO. 18-60018-H2-11

DEBTOR

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**SUPPLEMENT TO OBJECTION TO THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS' APPLICATION TO EMPLOY DIAMOND  
MCCARTHY LLP AS COUNSEL *NUNC PRO TUNC* TO JUNE 4, 2018**

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**COMES NOW**, Garden Oaks Maintenance Organization, Inc. (“Garden Oaks”), Debtor, and Debtor-In-Possession, and files this *Supplement To Objection To The Official Committee Of Unsecured Creditors’ Application To Employ Diamond McCarthy LLP As Counsel Nunc Pro Tunc To June 4, 2018* and would respectfully show the Court a follows:

1. Diamond McCarthy has failed to satisfy and comply with the disclosure requirements of FED. R. BANKR. P. 2014. Rule 2014 requires the disclosure of all “connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.” FED. R. BANKR. P. 2014
2. The declaration provided by Diamond McCarthy (Docket #36-2) pursuant to Rule 2014 discloses that there are no “disqualifying connections”.
3. It appears there are connections that Diamond McCarthy has failed to disclose – pre-formation contact with committee members:
  - a. Peter Chang, committee member, indicated on his *Questionnaire For Official Committee Of Unsecured Creditors* that he had been contacted by Charles Rubio of Diamond McCarthy;

- b. Patricia Mehrkam, committee member, indicated on her *Questionnaire For Official Committee Of Unsecured Creditors* that she had been contacted by Charles Rubio of Diamond McCarthy;
  - c. Susanna Schmidt, committee member, indicated on her *Questionnaire For Official Committee Of Unsecured Creditors* that she had met with Charles Rubio of Diamond McCarthy.
- 4. None of this information has been disclosed.
  - 5. In addition, Rule 7.03 of the TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT prohibits “in-person contact, or by regulated telephone or other electronic contact as defined in paragraph (f) seek professional employment concerning a matter arising out of a particular occurrence or event, or series of occurrences or events, from a prospective client or nonclient who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.”
  - 6. The lack of candor and disclosure on Diamond McCarthy’s application does not allow a determination whether there has been an ethical violation.
  - 7. The non-disclosure alone warrants denial of the application.
  - 8. If there are ethical violations, employment should be denied, not only for the improper acts, but also for the non-disclosure.

**WHEREFORE**, Debtor requests this Court to deny the Application, and to grant it such other and further relief, at law or in equity, to which it may be justly entitled.

**Dated:** August 2, 2018.

Respectfully submitted,

By: /s/ Johnie Patterson

Johnie Patterson

State ID# 15601700

COUNSEL FOR THE DEBTOR

OF COUNSEL:  
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**CERTIFICATE OF SERVICE**

I, Johnie Patterson, hereby certify that a true and correct copy of the foregoing *Objection* was served upon the below listed individuals by electronic transmission on August 2, 2018.

/s/ Johnie Patterson  
Johnie Patterson

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